

The Secretary shall immediately notify the owner in writing of any determination under subparagraph (A). If the owner immediately ceases the activity subject to such notification, the Secretary shall attempt to negotiate a mutually satisfactory solution prior to exercising any authority provided by subsection (a) of this section.

(2) If an owner of lands or interests therein within the park intends to transfer any such lands or interest to persons other than the owner's immediate family, the owner shall notify the Secretary in writing of such intention. Within forty-five days after receipt of such notice, the Secretary shall respond in writing as to his interest in exercising a right of first refusal to purchase fee title or lesser interests. If, within such forty-five days, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such forty-five days and expresses an interest and intention to exercise a right of first refusal, the Secretary shall initiate an action to exercise such right within ninety days after the date of the Secretary's response. If the Secretary fails to initiate action to exercise such right within such ninety days, the owner may proceed to otherwise transfer such interests. As used in this subsection with respect to a property owner, the term "immediate family" means the spouse, brother, sister, parent, or child of such property owner. Such term includes a person bearing such relationships through adoption and a stepchild shall be treated as a natural born child for purposes of determining such relationship.

(c) Exception

Subsection (b) of this section shall not apply with respect to tract number 01-142.

(d) Notification by owner of intended actions

When an owner of property within the park desires to take an action with respect to his property, he shall request, in writing, a prompt written determination from the Secretary as to the likelihood of such action provoking a determination by the Secretary under the provisions of subsection (b)(1)(A) of this section. The Secretary is thereupon directed to promptly issue such owner a certificate of exemption from condemnation for such actions proposed by the owner which the Secretary determines to be compatible with the purposes of the park.

(e) Limited right of retention; calculation of payment

(1) An owner of improved property which is used solely for noncommercial residential purposes, or for commercial agricultural purposes found to be compatible with the General Management Plan, on the date of its acquisition by the Secretary may retain, as a condition of such an acquisition, a right of use and occupancy of the property for such residential or agricultural purposes. The right retained may be for a definite term which shall not exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair

market value, of the term retained by the owner.

(2) Except for tract number 01-142, paragraph (1) shall not apply to property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use.

(f) Rapid acquisition

Any owner of lands or interests therein within the park who desires to have such lands or interests acquired by the Secretary may notify the Secretary in writing of such desire. It is the intention of the Congress that, upon receipt of such notification, and on the condition that such acquisition will transpire at fair market value and in accordance with other conditions acceptable to the Secretary, the Secretary shall endeavor to acquire such lands or interests therein within six months of the date of receipt of such notice from the owner.

(Pub. L. 97-460, § 2, Jan. 12, 1983, 96 Stat. 2520.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 97-460, Jan. 12, 1983, 96 Stat. 2520, which enacted sections 159f and 159g of this title, amended section 159d of this title, and enacted a provision set out as a note under section 159f of this title. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XIX—VOYAGEURS NATIONAL PARK

§ 160. Congressional declaration of purpose

The purpose of this subchapter is to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States.

(Pub. L. 91-661, § 1, Jan. 8, 1971, 84 Stat. 1970.)

§ 160a. Establishment; notice in Federal Register; donation of lands; acquisition by purchase of other lands

In furtherance of the purpose of this subchapter, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Voyageurs National Park (hereinafter referred to as the "park") in the State of Minnesota, by publication of notice to that effect in the Federal Register at such time as the Secretary deems sufficient interests in lands or waters have been acquired for administration in accordance with the purposes of this subchapter: *Provided*, That the Secretary shall not establish the park until the lands owned by the State of Minnesota and any of its political subdivisions within the boundaries shall have been donated to the Secretary for the purposes of the park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of

Representatives of such findings at least thirty days prior to such acquisition.

(Pub. L. 91-661, §101, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 103-437, §6(f), Nov. 2, 1994, 108 Stat. 4585.)

CODIFICATION

Section formerly consisted of sections 101 and 102 of Pub. L. 91-661. Section 102 of Pub. L. 91-661 was substantially amended and expanded by Pub. L. 97-405, §1(1), (2), Jan. 3, 1983, 96 Stat. 2028, and as thus amended is set out as section 160a-1 of this title.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of both the Senate and the House of Representatives”.

§ 160a-1. Boundaries

(a) Lands and waters included; legal description; revision

Except as provided in subsection (b) of this section, the park shall include the lands and waters within the boundaries as generally depicted on the drawing entitled “A Proposed Voyageurs National Park, Minnesota,” numbered LNPMW-VOYA-1001, dated February 1969, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within one year after acquisition of the lands owned by the State of Minnesota and its political subdivisions within the boundaries of the park the Secretary shall affix to such drawing an exact legal description of said boundaries. The Secretary may revise the boundaries of the park from time to time by publishing in the Federal Register a revised drawing or other boundary description, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

(b) Additional revisions; procedures applicable; failure to comply with procedures

(1) In addition to such revisions as the Secretary may make in the boundaries of the park from time to time pursuant to other provisions of law, the Secretary may, according to the provisions of subsection (a) of this section—

(A) delete approximately 782 acres in the Neil Point area of the park;

(B) add approximately 180 acres in the Black Bay Narrows areas of the park;

(C) add approximately 18.45 acres owned by the State of Minnesota at the Kabetogama Forestry Station;

(D) add approximately 120 acres owned by the State of Minnesota, being a strip of land through that portion of section 1, township 68 north, range 20 west, fourth principal meridian, which is parallel to and 400 feet on both sides of the unimproved road extending northward from the Ash River Trail as such road crosses each section; and

(E) subject to the provisions of paragraph (2), delete approximately 1,000 acres at Black Bay and convey such lands to the State of Minnesota.

All of the aforementioned boundary changes if accomplished shall be accomplished such that

the boundary of the park shall conform to that generally depicted on the drawing entitled “Boundary, Voyageurs National Park, United States Department of the Interior, National Park Service”, numbered 172-80, 008-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(2) The Secretary may not delete or convey the lands referred to in paragraph (1)(E) unless, prior to or simultaneously with such deletion or conveyance and in consideration of such conveyance, the State of Minnesota—

(A) tenders a conveyance of the lands described in paragraph (1)(C) and (D) to the United States by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement: *Provided*, That if the interest conveyed is a lease or easement, the State of Minnesota shall substitute therefore a transfer of all right, title, and interest in the land by June 30, 1987: *Provided further*, That if the State does not transfer all right, title, and interest in such lands by June 30, 1987, the land described in paragraph 1(E)¹ shall revert to the United States for administration by the Secretary as part of the park; and

(B) enters into a recordable agreement satisfactory to the Secretary which provides that—

(i) the State has established a wildlife management area in the area authorized to be deleted and conveyed to the State by paragraph (1)(E);

(ii) the State has prepared a plan acceptable to the Secretary to manage all the waters of and State lands riparian to Black Bay (including all of the State-owned lands and waters of Rainy Lake) to preserve the natural resources of the area so as to complement to the fullest extent possible the purposes for which the park was established;

(iii) the State shall not transfer any right, title, or interest in, or control over, any land described in paragraph (1)(E) to any person other than the Secretary; and

(iv) the State shall permit access by the Secretary at reasonable times to the land described in paragraph (1)(E).

(3) If at any time the State fails to comply with the material requirements of the agreement referred to in paragraph (2)(B), all right, title, and interest in the land described in paragraph (1)(E) shall revert to the United States for administration by the Secretary as part of the park. Such reversion shall take effect upon the delivery by the Secretary of notice to the State respecting such failure to comply without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States Court of Appeals for the appropriate circuit within ninety days following such notice. In any such action the court may issue such orders as are appropriate to carry out the requirements of this subsection.

¹ So in original. Probably should be “(1)(E)”.

(Pub. L. 91-661, §102, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 97-405, §1(1), (2), Jan. 3, 1983, 96 Stat. 2028.)

CODIFICATION

Provisions of section 102 of Pub. L. 91-661 [this section] were formerly set out as an undesignated second paragraph in section 160a of this title prior to amendment by Pub. L. 97-405.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-405, §1(1), substituted “(a) Except as provided in subsection (b) of this section, the park” for “The park”.

Subsec. (b). Pub. L. 97-405, §1(2), added subsec. (b).

§ 160b. Acquisition of lands; lands outside of boundaries; transfer of Federal property within boundaries to administrative jurisdiction of Secretary; consideration by Secretary of offers to sell property within park area

(a) The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries. Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park. Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.

(b) In exercising his authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(Pub. L. 91-661, §201, Jan. 8, 1971, 84 Stat. 1970.)

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 160c. Acquisition of improved property

(a) Owner’s reservation of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value

Any owner or owners (hereinafter referred to as “owner”) of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Use and occupancy by lessee of lands donated by State of Minnesota within boundaries of park; term of use and occupancy

If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on which the lessee began construction of a noncommercial or recreational residential dwelling prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided*, That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

(c) Termination of use and occupancy; tender by Secretary of fair market value of unexpired right

Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(d) “Improved property” defined

The term “improved property”, as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-661, §202, Jan. 8, 1971, 84 Stat. 1971.)

§ 160d. Concession contracts with former owners of commercial, recreational, resort, or similar properties within park boundaries

Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

(Pub. L. 91-661, §203, Jan. 8, 1971, 84 Stat. 1972.)

§ 160e. Payment of value differential by Secretary to owner of commercial timberlands exchanging lands for State lands outside of park; determination of value; prerequisites

The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authorization of the park: *Provided*, That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

(Pub. L. 91-661, §204, Jan. 8, 1971, 84 Stat. 1972.)

§ 160f. Administration

(a) Authority of Secretary

Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(b) Preservation of area as a wilderness; study and report to President; procedure for designation as a wilderness

Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections. The President shall, no later than June 1, 1983, advise the United States Senate and House of Representatives of his recommendations with respect to the suitability or nonsuitability as wilderness of any area within the park.

(c) Mining and mineral activities and commercial water power development within park boundaries

All mining and mineral activities and commercial water power development within the

boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

(Pub. L. 91-661, §301, Jan. 8, 1971, 84 Stat. 1972; Pub. L. 97-405, §1(3), Jan. 3, 1983, 96 Stat. 2029.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 97-405 inserted provision directing the President to advise the Senate and House of Representatives no later than June 1, 1983, of his recommendation with respect to the suitability or nonsuitability as wilderness of any area within the park.

§ 160g. Designation by Secretary of recreational fishing zones; consultation with appropriate State agency; continuation of seining of fish to secure eggs for propagation

(a) The Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with applicable laws of the United States and of the State of Minnesota, except that the Secretary may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate agency of the State of Minnesota.

(b) The seining of fish at Shoepac Lake by the State of Minnesota to secure eggs for propagation purposes shall be continued in accordance with plans mutually acceptable to the State and the Secretary.

(Pub. L. 91-661, §302, Jan. 8, 1971, 84 Stat. 1972.)

§ 160h. Programs for development of area for recreational sports activities

The Secretary may, when planning for development of the park, include appropriate provisions for (1) winter sports, including the use of snowmobiles, (2) use by seaplanes, and (3) recreational use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats, and cabin cruisers.

(Pub. L. 91-661, §303, Jan. 8, 1971, 84 Stat. 1972.)

§ 160i. Applicability to treaties, orders, or agreements

Nothing in this subchapter shall be construed to affect the provisions of any treaty now or hereafter in force between the United States and Great Britain relating to Canada or between the United States and Canada, or of any order or agreement made or entered into pursuant to any such treaty, which by its terms would be applicable to the lands and waters which may be acquired by the Secretary hereunder, including, without limitation on the generality of the foregoing, the Convention Between the United States and Canada on Emergency Regulation of Level of Rainy Lake and of Other Boundary Waters in the Rainy Lake Watershed, signed Sep-

tember 15, 1938, and any order issued pursuant thereto.

(Pub. L. 91-661, §304, Jan. 8, 1971, 84 Stat. 1973.)

§ 160j. Roads accessible to public facilities

The Secretary is authorized to make provision for such roads within the park as are, or will be, necessary to assure access from present and future State roads to public facilities within the park.

(Pub. L. 91-661, §305, Jan. 8, 1971, 84 Stat. 1973.)

§ 160k. Funding and other requirements

(a) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, not to exceed, however, \$38,314,000 for the acquisition of property, and not to exceed \$19,179,000 (June 1969 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(b) Comprehensive plan for visitor use and overnight visitor facilities; development, implementation, etc.; authorization of appropriations

The Secretary shall, in cooperation with other Federal, State, and local governmental entities and private entities experienced in the fields of outdoor recreation and visitor services, develop and implement a comprehensive plan for visitor use and overnight visitor facilities for the park. The plan shall set forth methods of achieving an appropriate level and type of visitation in order that the resources of the park and its environs may be interpreted for, and used and enjoyed by, the public in a manner consistent with the purposes for which the park was established. Such plan may include appropriate informational and educational messages and materials. In the development and implementation of such plan the Secretary may expend funds donated or appropriated for the purposes of this subsection. Effective October 1, 1983, there is authorized to be appropriated for the purposes of this subsection not to exceed \$250,000, to remain available until expended.

(c) Existing road access; study and report; authorization of appropriations

The Secretary is directed to study existing road access to the park and to report to Congress on the impact of park-related use of those roads and to report specific recommendations on improvements necessary to insure adequate road access to the park. The Secretary is directed to report, within one year of the date of enactment of the Act which appropriates funds authorized under this subsection, to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate. Effective October 1, 1983, there is authorized to be appropriated for the purposes of this subsection not to exceed \$75,000.

(d) Statutory ceilings respecting appropriations

For purposes of section 4601-9(a)(3) of this title, the statutory ceilings on appropriations

established by this section shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.

(Pub. L. 91-661, §401, Jan. 8, 1971, 84 Stat. 1973; Pub. L. 97-405, §1(4), Jan. 3, 1983, 96 Stat. 2029.)

AMENDMENTS

1983—Pub. L. 97-405 designated existing provisions as subsec. (a), substituted “\$38,314,000” for “\$26,014,000”, and added subsecs. (b) to (d).

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

SUBCHAPTER XX—GLACIER NATIONAL PARK

§ 161. Establishment; boundaries; trespassers; claims and rights under land laws not affected; reclamation projects; indemnity selections of lands

The tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right-of-way of the Great Northern Railroad; thence following the said right-of-way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of “The Glacier National Park.” All persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before May 11, 1910, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained